

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. David Scott Russ

Docket No. 5:16-CR-167-1D

Petition for Action on Supervised Release

COMES NOW Christopher Studley, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of David Scott Russ, who, upon an earlier plea of guilty to Possession of a Firearm by Felon, 18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(2), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on October 19, 2017, to the custody of the Bureau of Prisons for a term of 18 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

David Scott Russ was released from custody on February 16, 2018, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 19, 2018, the defendant voluntarily enrolled in the HOPE reentry court program. On July 24, 2018, the defendant tested positive for the use of opiates. The defendant has enrolled in the HOPE reentry court program in order to address his substance abuse problems. The defendant's substance abuse treatment has also been increased. In order for the defendant to continue participation in the HOPE reentry court program, it is recommended that the defendant's conditions be modified to include cognitive behavioral treatment and DROPS. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days;

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Christopher Studley
Christopher Studley
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8669
Executed On: August 03, 2018

ORDER OF THE COURT

Considered and ordered this 9 day of August, 2018, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge